

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-071

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
ZENECA INC.
CONTRA COSTA COUNTY**

This Complaint to assess mandatory minimum penalties pursuant to California Water Code section 13385(h) is issued to Zeneca Inc. (hereinafter the discharger) based on a finding of violations of Waste Discharger Requirements Order No. 95-008 (NPDES No. CA0006157).

The Executive Officer finds the following:

1. On January 18, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-008 for the discharger to regulate discharges of waste from the Richmond plant. The Regional Board continues the effluent limitations and provisions of Order No. 95-008, as confirmed in a letter dated September 17, 1999.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code section 13385(i)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six month period.
4. Order No. 95-008 includes the following effluent limitations: "The discharge of Waste 002 containing constituents in excess of the following limits is prohibited":

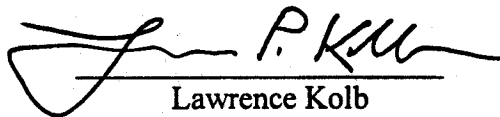
Daily maximum limitation for copper ($\mu\text{g/l}$):	200
Daily maximum limitation for lead ($\mu\text{g/l}$):	53
Daily maximum limitation for mercury ($\mu\text{g/l}$):	1
5. According to monitoring reports received, the discharger committed three violations during the six-month period beginning January 1, 2000 and ending on June 30, 2000. On March 8, 2000, copper was detected at a concentration of 289 $\mu\text{g/l}$, which exceeds the effluent limitation of 200 $\mu\text{g/l}$ by 44%. On June 8, 2000, copper was detected at 283 $\mu\text{g/l}$, which exceeds the effluent limitation by 41%. On June 21, 2000, a water supply pipe broke, resulting in a discharge with concentrations of copper (659 $\mu\text{g/l}$), lead (350

µg/l), and mercury (1.02 µg/l) exceeding the corresponding limits by 560%, 230%, and 2%, respectively.

6. Copper, lead, and mercury are considered Group II pollutants, as defined by US Environmental Protection Agency. However, the June 21, 2000 pipe breakage incidence that resulted in simultaneous exceedances of effluent limitations for copper, lead, and mercury, was considered as an operational upset. Thus, a single violation occurred on June 21, 2000.
7. The total amount of the mandatory minimum penalty for these three violations is \$9,000, which comprises (i) a \$3,000 fine for the first serious violation that occurred on March 15, 2000, (ii) a \$3,000 fine for the second serious violation that occurred on June 8, 2000, and (iii) a \$3,000 fine for the third violation that occurred on June 21, 2000.

ZENECA INC. IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the discharger be assessed a mandatory minimum penalty in the amount of \$9,000.
2. A hearing shall be held by the Regional Board on October 18, 2000, unless the discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$9,000 in full.
3. In lieu of the first \$3,000 penalty for the first serious violation the Executive Officer may allow the discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The discharger must make such a request by September 19, 2000.
4. The discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory minimum penalty to the Regional Board's office at the letterhead address, by September 19, 2000.


Lawrence Kolb

Acting Executive Officer

8/5/2000

Date

WAIVER

- ☐ By checking this box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-071, and to remit payment for the civil liability imposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the mandatory minimum penalty imposed within 60 days after this Complaint is signed by the Executive Officer.
- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-071 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 60 days after this Complaint is signed by the Executive Officer. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

Name (print)

Signature

Date

Title/Organization



California Regional Water Quality Control Board

San Francisco Bay Region

Winston H. Hickox
Secretary for
Environmental
Protection

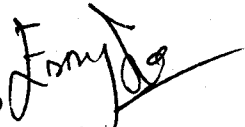
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis
Governor

File No. 2119.1185 (ES)

TO: Lawrence Kolb
Acting Executive Officer

FROM: Eddy So 
Associate Engineer

DATE: August 31, 2000

SUBJECT: MANDATORY MINIMUM PENALTY (MMP) FOR ZENECA INC.,
RICHMOND, CONTRA COSTA COUNTY

On March 8, June 8, and June 21 of this year, Zeneca Inc. exceeded their copper and lead limits contained in Order No. 95-008 by more than 100%. Copper and lead are Group II pollutants, as specified in Appendix A to section 123.45 of Title 40 of the Code of Federal Regulations. Thus Zeneca is subject to penalties under sections 13385(h) and (i) of the California Water Code (CWC). For the following reasons, I recommend we impose only the mandatory minimum penalty for these permit violations:

1. The three violations of the copper and lead limits contained in Order No. 95-008 were not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention that violations did not occur.
2. These were serious violations, as defined by section 13385(h)(1) of the CWC, during the first six months of 2000.
3. The facility is currently under decommissioning and dismantlement. Stormwater management measures were implemented to isolate and contain stormwater that may have come into contact with impacted debris and soil. The two copper exceedances of permit limitation on March 8 and June 8 of this year were the result of stormwater contacting historical deposits of iron pyrite cinders.
4. Effluent limitations for Copper, lead and mercury were simultaneously exceeded on June 21, 2000. These exceedances were the result of a rupture of an EBMUD potable water line. The pipe breakage occurred during the demolition of a building, which is part of the site decommissioning process. Zeneca reported that the potential source of the lead and

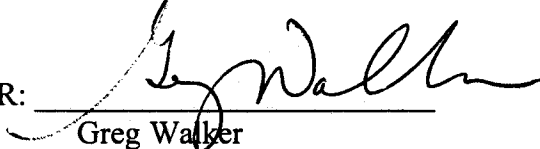
California Environmental Protection Agency

mercury might be related to demolition activities or possibly soil contamination, whereas the copper detected in the water sample might be associated with the subsurface cinders. Zeneca further reported that it had implemented Best Management Practices during demolition of the building and the main water valve was already closed before the rupture. The pipe rupture is considered as an exceptional incident, and thus the resulting simultaneous exceedances of effluent limits for more than one pollutant parameter are treated as a single violation.

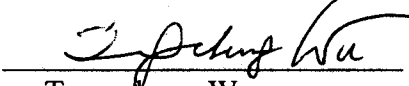
5. The discharger did not gain any economic advantage due to these violations as Best Management Practices were in place during the site decommissioning and dismantling activities.
6. For violations outside the reasonable control of the discharger, minimum penalties under section 13385 of the CWC are appropriate.

If you have any questions please call me at 622-2418.

CONCUR: _____


Greg Walker
Section Leader

CONCUR: _____

 9-1-2,000
Teng-chung Wu
Division Chief

REVIEW FOR LEGAL
SUFFICIENCY AND CONCUR: _____

 9/1/00
Sheryl Freeman
Staff Counsel